



## CITY OF MORGAN HILL

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17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

### CITY COUNCIL AGENDA

### REGULAR MEETING

**WEDNESDAY, JANUARY 20, 1999**

**7:00 P.M.**

Morgan Hill Civic Center  
Council Chambers  
17555 Peak Avenue  
Morgan Hill, California 95037

Mayor  
Mayor Pro Tempore  
Council Member  
Council Member  
Council Member

Dennis Kennedy  
Hedy L. Chang  
Cynthia J. Cook  
Steve Tate  
Greg Sellers

#### **PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA**

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. Speaker cards are available on the counter in the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if speaker cards are submitted. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to three minutes. We appreciate your cooperation.

#### **PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA**

Following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

#### **NOTICE**

##### **AMERICANS WITH DISABILITIES ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disabilities Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

**NOTICE**

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #0 through #0 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

**NOTICE**

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

**CALL TO ORDER**

( Mayor Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk Torrez)

**SILENT INVOCATION**

**PUBLIC SERVICE ANNOUNCEMENT**

Eric Hilding

**PLEDGE OF ALLEGIANCE**

**RECOGNITIONS**

Eagle Scout Commendation

**INTRODUCTIONS**

Tina Reza

Assistant Director of Finance  
Finance Department

Victoria Kerby  
Police Support Services Specialist II  
Police Department

**CITY COUNCIL REPORT**

Council Member Cook

**CITY MANAGER'S REPORT**

**CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT**

**CONSENT CALENDAR:** The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

1. **DECEMBER FINANCE AND INVESTMENT REPORT**  
**Recommended Action:** Accept and file report.
2. **APPROVAL OF LEASE AGREEMENT WITH WOODLAND MOBILE HOME PARK**  
**Recommended Action:** Approve attached lease agreement and authorize the City Manager to execute the lease agreement with Woodland Mobile Home Park for the lease of City owned open space adjacent to Llagas Creek for \$1.00 per year.
3. **CONTRACT AMENDMENT FOR CONTINUED CONTRACT PUBLIC WORKS INSPECTION SERVICES ON AN AS-NEEDED BASIS**  
**Recommended Action:** 1) Approve the attached amendment to our existing agreement with Harris & Associates to provide contract inspection services on an as-needed basis at a not-to-exceed fee of \$92,000 and 2) authorize the City Manager to execute the contract amendment.
4. **FINAL MAP ACCEPTANCE FOR CENTRAL PARK (TRACT 9072)**  
**Recommended Action:** 1) Approve the final map, improvement plans and Subdivision Improvement Agreement, 2) authorize the City Manager to sign the Subdivision Improvement Agreement on behalf of the City and 3) authorize the recordation of the map and the Subdivision Improvement Agreement following recordation of the Development Improvement Agreement.
5. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR LANDS OF LUSCH**  
**Recommended Action:** 1) Adopt the attached resolution accepting the public improvements for Lands of Lusch and 2) direct the City Clerk to file a Notice of Completion with the County Recorder's office.
6. **ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR PARCEL MAP 693-M-38&39**  
**Recommended Action:** 1) Adopt the attached resolution accepting the subdivision improvements in Parcel Map 693-M-38&39, commonly known as Lands of Mantia and 2) direct the City Clerk to file a Notice of Completion with the County Recorder's office.
7. **ACCEPTANCE OF THE EASY STREET STORM DRAINAGE IMPROVEMENT PROJECT**  
**Recommended Action:** 1) Accept as complete the Easy Street Storm Drainage Improvement Project in the final amount of \$163,034.81 and 2) direct the City Clerk to file the attached Notice of Completion with the County Recorder's office.
8. **RESOLUTION APPROVING AMENDMENT TO CALTRANS AGREEMENT REGARDING THE DUNNE/101 INTERCHANGE**  
**Recommended Action:** Approve the attached resolution approving the modification to the freeway agreement between the State of California and the County of Santa Clara relating to State Highway Route 101 and the East Dunne Avenue interchange.

9. **ACCEPTANCE OF PUBLIC IMPROVEMENTS INCLUDING SUPPLEMENTAL IMPROVEMENT WORK FOR TRACT 8809**  
**Recommended Action:** 1) **Adopt** the attached resolution accepting the subdivision improvements for Tract 8809, commonly known as Dunne - Heritage Green Ph. I, 2) **direct** the City Clerk to file a Notice of Completion with the County Recorder's office, 3) **approve** the work completed under the terms of the Supplemental Improvement Agreement and **authorize** final payment in the amount of \$180,353 and 4) **appropriate** \$7,000 from the unappropriated Water Impact Fund balance.
10. **RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) QUARTERLY REPORT NO. 4**  
**Recommended Action:** **Accept** the report by minute action.
11. **RELEASE OF DEFERRED AGREEMENT WITH BENDIX HOME SYSTEM, INC.**  
**Recommended Action:** **Authorize** the City Manager to sign the release of the Deferred Agreement on behalf of the City.
12. **AGREEMENT FOR INTERIM CONTRACT PLANNING ASSISTANCE**  
**Recommended Action:** 1) **Authorize** City Manager to execute agreement, 2) **appropriate** \$22,000 from the Community Development Fund balance to account #206-5120-42231 (Planning Contract Services) and 3) **transfer** \$23,000 from account #206-5120-41100 (Planning Salaries) to account #206-5120-42231 (Planning Contract Services).
13. **YMCA CONTRACT AMENDMENT**  
**Recommended Action:** **Authorize** the City Manager to sign the attached lease agreement amended to eliminate the Senior Advisory Board requirement within the YMCA. Refer to Exhibit A.
14. **RULES FOR THE PARKS AND RECREATION COMMISSION COMMITTEES OF SENIOR ADVISORY COMMITTEE, YOUTH ADVISORY COMMITTEE AND BICYCLE ADVISORY COMMITTEE**  
**Recommended Action:** **Approve** the rules as presented for the committees as established per Ordinance No. 1368, N.S.
15. **RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR TDA ARTICLE 3 BICYCLE AND PEDESTRIAN PROGRAM GRANT**  
**Recommended Action:** **Adopt** the attached resolution authorizing staff to apply for TDA Article 3 grant to be applied to developing a Cal Trans approved Bikeway Master Plan over the next two years.
16. **APPROVAL OF SPECIAL MEETING MINUTES OF DECEMBER 15, 1998**
17. **APPROVAL OF REGULAR/SPECIAL MEETING MINUTES OF DECEMBER 16, 1998**

**LEGALLY NOTICED PUBLIC HEARINGS:**

**18. DEVELOPMENT AGREEMENT AMENDMENT: DAA 98-02: CIOLINO-KALMIKOV**

**Recommended Action:** Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action- Motion to waive the reading in full of the ordinance amending the development agreement to incorporate an exception to loss of building allocation;  
Motion to introduce ordinance by title only.

**OTHER BUSINESS:**

**19. REQUEST SUPPORT OF EFFORTS TO EXPEDITE CONSTRUCTION OF SAFETY BARRIER AND WIDENING OF HIGHWAY 101**

**Recommended Action:** **Endorse and support** City efforts to gain approvals for the building of a safety barrier along portions of Highway 101 and efforts to expedite the widening of Highway 101.

**20. SUPPLEMENTAL LAW ENFORCEMENT FUNDING**

**Recommended Action:** 1) **Approve** the COPS Spending Plan as attached, 2) **increase** revenue estimates in Fund 205 by \$69,468.90 and **authorize** the transfer of revenue to the General Fund to implement the spending plan and 3) **appropriate** \$69,468.90 in the General Fund for the purpose of implementing the spending plan.

**21. MADRONE BUSINESS PARK ASSESSMENT DISTRICT**

**Recommended Action:** 1) **Authorize** the City Manager to proceed with the evaluation of the proposed assessment district, 2) **authorize** the City Manager to enter into a reimbursement agreement with the Developer and 3) **approve** the Financial Advisor, the Bond Investment Banker, the Bond Counsel, and the Assessment Engineer for the proposed assessment district and **authorize** the City Manager to contract with them for services.

**22. THERE IS NO AGENDA ITEM #22**

**23. THERE IS NO AGENDA ITEM #23**

**24. COUNCIL COMMITTEES & COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES**

**Recommended Action:** 1) **Review** current list of assignments and appointments and make suggested changes to the Mayor and 2) for the Mayor to **appoint**, subject to City Council approval, Council Members to serve on the various Council committees and outside agencies.

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

This is an opportunity for members of the City Council to request items for future agendas.

Note: in accordance with government code section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**

**FUTURE COUNCIL AGENDA ITEMS:**

1. January 25, 1999 - 5:00 PM, Council Study Session - Budget Issues
2. Interviews and Appointments to Planning Commission
3. Accept Contract for Dunne Well #2
4. Accept Contract for Lift Station D
5. Advent Lutheran Church Fees
6. Presentation - 2010 Vision